

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

VIRGILLIO VIRGO,

Plaintiff,

-against-

EDWARD GARCIA,

Defendant.

20-CV-5091 (CM)

ORDER OF DISMISSAL  
UNDER 28 U.S.C. § 1651

COLLEEN McMAHON, Chief United States District Judge:

By order dated September 21, 2018, the Court barred Plaintiff from filing any new civil action in this Court *in forma pauperis* (IFP) without first obtaining from the Court leave to file.

*See Virgo v. Wright*, ECF 1:17-CV-10006, 6 (S.D.N.Y. Sept. 21, 2018). Plaintiff files this new *pro se* civil action but has not sought leave from the Court; he also did not file an IFP application.

Because Plaintiff did not pay the relevant fees to bring this action, the Court assumes that he seeks IFP status and dismisses this action without prejudice for Plaintiff's failure to comply with the September 21, 2018 order in *Virgo*, 1:17-CV-10006.

The Clerk of Court is directed mail a copy of this order to Plaintiff and note service on the docket.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppededge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: July 17, 2020  
New York, New York



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COLLEEN McMAHON  
Chief United States District Judge